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7 Attorney for Plaintiff

8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 ***

12 UNITED STATES OF AMERICA,)	2:19-mj-123-NJK
)	
13 Plaintiff,)	
)	
14 v.)	
)	
15 JAMIKKO FOSTER,)	
)	
16 Defendant.)	
)	

17
18 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

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20 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich,
21 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
22 the United States of America; and Heidi A. Ojeda, Assistant Federal Public Defender, counsel
23 for the Defendant, that the preliminary hearing for the above-captioned matter, currently
24 scheduled for February 27, 2019, at the hour of 4:00 p.m., be vacated and continued to a date
25 and time convenient for this Court, but in no event earlier than thirty (30) days.

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27 This stipulation is entered for the following reasons:

1. The Government intends on making an early production of discovery to the Defendant in an effort to reach a pre-indictment plea agreement, and counsel for the Defendant will need time to review the discovery and discuss it with the Defendant.

2. The parties are researching the viability of entering into a pre-indictment plea agreement. Said plea agreement would obviate the need for either a preliminary hearing in this matter or for the Government to present this matter to a federal grand jury. Counsel for the Defendant will need additional time to discuss the Defendant's options with him.

3. Denial of this request for continuance of the preliminary hearing would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is excludable in computing the time within which the Defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

6. This is the first request for a continuance of the preliminary hearing herein.

DATED: February 20, 2019.

/s/
 PHILLIP N. SMITH, JR.
 Assistant United States Attorney
 Counsel for the United States

/s/

HEIDI A. OJEDA, AFD
Counsel for Defendant

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
4

5 ***

6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

8 v.)

9 JAMIKKO FOSTER,)

10 Defendant.)

2:19-mj-123-NJK

ORDER CONTINUING
PRELIMINARY HEARING

11 **ORDER**

12
13 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
14 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to the
15 Defendant, currently scheduled for February 27, 2019, at the hour of 4:00 p.m., be vacated and
16 continued to March 27, 2019, at 4:00 p.m., in Courtroom 3A.

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18 Dated: February 20, 2019

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UNITED STATES MAGISTRATE JUDGE
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